IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.R.UDAYABHANU

WEDNESDAY, THE 14TH MARCH 2007 / 23RD PHALGUNA 1928

Crl.Rev.Pet.No. 573 of 1999()

CRA.137/1996 of ADDL. SESSIONS COURT, ALAPPUZHA
CC.140/1992 of CHIEF JUDICIAL MAGISTRATE, ALAPPUZHA

.....

REVN. PETITIONER:

BY ADV. SRI.M.T.SURESHKUMAR

RESPONDENTS:

BY PUBLIC PROSECUTOR

THIS CRIMINAL REVISION PETITION HAVING BEEN FINALLY HEARD ON / / , THE COURT ON 14/03/2007 PASSED THE FOLLOWING:

CRL.R.P.NO.573/1999

ORDER ON CRL.M.P.NO.2570/1999 IN CRL.R.P.NO.573/1999

DISMISSED

14.3.2007 Sd/- K.R.UDAYABHANU, JUDGE

/TRUE COPY/

P.A. TO JUDGE

K.R.UDAYABHANU, J

CRL.R.P.No.573 of 1999

Dated this the 14th day of March, 2007

ORDER

Revision petitioners who are the accused, stands convicted and sentenced to R.I. for six months for the offence punishable under Section 326 read with Section 34 IPC and to undergo simple imprisonment for one week for the offence punishable under Section 341 read with Section 34 IPC and to undergo R.I. for three months for the offence punishable under Section 324 read with 34 IPC.

2. PW1 sustained fracture on both bones of left forearm. The prosecution case is that on 14.8.1992 at 11.30 p.m., the accused, three in number, attacked PW's 1 to 4, who were the clause relatives, with deadly weapons and caused injuries. The evidence adduced in the matter consisted of the testimony of PW's 1 to 4, who alleged sustained the injuries. Only the wound certificate with respect to PW1 i.e, Ext. P6 has been produced and proved.

3. The counsel for the revision petitioner has sought for

leniency pointing out that the incident has been took place more than a decade back.

4. In the circumstances, the sentence imposed on the first accused for the offence punishable under Section 326 is modified to imprisonment till the rising of the court and to pay a fine of Rs.10,000/- to PW1 and in default, to undergo simple imprisonment for six months. The sentence imposed on the second revision petitioner/accused for the offence punishable under Section 326 is modified to imprisonment till the rising of the court and to pay a fine of Rs.10,000/- and in default, to undergo simple imprisonment for six months. Sentence imposed on the third revision petitioner/third accused for the offence punishable under Section 326 is modified to imprisonment till the rising of the court and to pay a fine of Rs.10,000/- and in default, to undergo simple imprisonment for six months. No separate sentence is awarded for the offences under Sections 324 and 341 IPC. The fine amounts, if realised, shall be paid to PW1. Revision petitioner shall appear before the Chief Judicial

Magistrate Court, Alappuzha on 24.4.2007 to receive the sentence.

The criminal revision petition is disposed of as above.

K.R.UDAYABHANU,
JUDGE

csl